

Department of Defense to contractors for other agencies.

And let's be clear: Nobody is accusing every single contractor of committing the criminal acts we have talked about today. But when a contractor does commit a crime, they must be punished and we must have consequences to serve as a deterrent. It should not be controversial to punish people for committing murder and other felonies. This is a giant loophole in our law that is hurting our reputation abroad, hurting our troops in the field and is making a mockery of the American sense of justice.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 702 OFFERED BY MR.
HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommend.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the

vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's* "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SUTTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 928, IMPROVING GOVERNMENT ACCOUNTABILITY ACT

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 701 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 701

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 928) to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except

those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. During consideration in the House of H.R. 928 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for 1 hour.

Ms. SUTTON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 701.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Ms. SUTTON. Mr. Speaker, House Resolution 701 provides for consideration of H.R. 928, the Improving Government Accountability Act. The rule provides for 1 hour of general debate controlled by the Committee on Oversight and Government Reform. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule makes in

order the Oversight and Government Reform Committee reported substitute. The rule makes in order all five germane amendments that were submitted to the Rules Committee.

Mr. Speaker, I rise today in favor of the rule and in favor of H.R. 928, the Improving Government Accountability Act. I am very proud to be a Member of this new Congress because over the last 9 months we have made huge strides to better our great country.

We have empowered our workers. We have fought to lift up our citizens. And today, I am proud to join my colleagues once again as we press for greater government accountability and work to restore the trust of the American people in this great institution.

Mr. Speaker, the bill before us today will amend the Inspector General Act of 1978 to ensure necessary government oversight and strengthen the role of the Inspectors General.

Next year will mark the 30th anniversary of the Inspector General Act. Offices of Inspector General now exist in more than 60 Federal Departments and agencies where they work to combat waste, fraud and abuse.

The Inspectors General have many vital tasks. They act as government watchdogs, conducting audits and examining complaints from agency employees. They actively promote efficiency in government programs, and encourage employee disclosure of waste and fraud.

Our bill today acts to strengthen and clarify their tenure, resources, authority, oversight and autonomy. It is an important action that we are taking today. Unfortunately, Mr. Speaker, in recent years, politics has crept into the inner workings of the Inspectors General leaving the door open for political pressure and influence to prejudice the job that they are supposed to perform.

Under President Bush, only 18 percent of the Inspectors General have audit experience while 64 percent have political experience. This is in comparison to President Clinton who appointed far more, 66 percent, of Inspectors General with audit experience versus only 22 percent with political experience.

And what's more, over one-half of the IGs appointed by President Bush had made contributions to his campaign or to other Republican candidates and over one-third had worked in a Republican White House prior to their appointment; whereas none of the IGs appointed by President Clinton had worked in a Democratic White House.

These statistics are concerning because the hallmark of Inspectors General must be their independence from the departments and agencies within which they are housed. This independence is crucial because the inspectors are charged with submitting reports to the agency heads and to Congress regarding any failures on the part of their agencies.

When this independence is compromised, the missions and goals of the

Inspectors General lose credibility. Their work is critical to ensuring that taxpayer dollars are being used wisely and that our government is working efficiently and effectively.

The Improving Government Accountability Act will strengthen the independence of these important watchdogs. First, it clarifies when the inspectors can be removed from their posts. Under current law, they have limited protection from removal from office. In fact, inspectors that are appointed by the President can be removed by the President without cause. The only requirement is that the President must report the removal to Congress after the removal has already been accomplished. It is much more difficult to be independent when you know that the head of the Department that you are critically evaluating can remove you and that there are no checks on that power.

Our bill specifies that they may only be removed before the end of their term for permanent incapacity, inefficiency, neglect of duty, malfeasance or conviction of a felony, or conduct involving moral turpitude. This takes the politics out of a position and a decision-making process where it never should have been in the first place.

Under this new law, removal of an Inspector General must be communicated to both Houses of Congress at least 30 days before that inspector's removal.

Mr. Speaker, the bill before us today encourages inspectors to remain in office for at least 7 years by setting a fixed term of office and allowing the inspectors to be renewed at the completion of their term. This allows for greater continuity and increased independence on the part of the inspectors.

Under this legislation, an Inspector General will be allowed to submit budget requests directly to the Office of Management and Budget. This is a vital change. Inspectors General must not be at the mercy of administration officials who have the unbridled power to cut their budget because of disagreement over their findings or improper political influence. Budget autonomy is crucial to the independence of these inspectors.

Further, H.R. 928 establishes the Council of the Inspectors General on Integrity and Efficiency. This council's task will be to increase the professionalism and effectiveness of the Inspectors General staff. The council will seek out fraud, waste and abuse in Federal programs.

Today, through the Improving Government Accountability Act, we will give the Inspectors General more power to do their job and, more importantly, to do so with heightened independence and integrity.

The trust of the American people is a precious thing. The bill today guarantees that our departments and agencies are worthy of that trust.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I rise today in opposition to this modified

closed rule that waives important portions of the Congressional Budget Act.

Last night in the Rules Committee, we learned that this special rule finds yet another way for the majority to break regular order. By waiving section 306 of the Congressional Budget Act, this rule undermines the integrity of the budgeting process by allowing legislation within the Budget Committee's jurisdiction to be considered by the House without the Budget Committee's review.

My friend from Pasco, Washington, DOC HASTINGS, asked the acting chairman of the committee, Mr. MCGOVERN, if the rule being considered does indeed waive this budget rule that protects taxpayers and Members of this House of Representatives. The answer came back simple and clear: Yes, the rule waives this commonsense provision.

□ 1130

I wish that I could say that I am surprised by the Democrat leadership's decision to find yet another way to toss House rules and procedures out the window. Unfortunately, this is precisely what has come to be known as, and to expect from, the new broken promise Democrat majority.

Mr. Speaker, the legislation before us has the noble goal of strengthening and clarifying the authority, tenure, resources, oversight and independence of the Inspectors General in the various Federal Departments and agencies.

Many of the issues addressed by the legislation today enjoy bipartisan support and are of great importance to me and a huge number of my colleagues on the Republican side of the aisle. The bill establishes a council to identify, review and plan to promote efficiency and address waste, fraud and abuse. It provides for greater integrity by establishing a new committee to investigate allegations of wrongdoing and to report on their efforts to the executive branch and to Congress.

It requires reports to Congress on the cooperation of all Federal agencies with the General Accountability Office and requires that semiannual inspection and evaluation reports, in addition to audit reports, be submitted to Congress.

Despite all of the noble goals of this legislation, I do regret that this bill was not crafted in closer coordination with the administration to resolve some of the outstanding issues that prevent it from being signed into law.

Like me, the administration has publicly stated its strong support for the work of Inspectors General and their overall mission to improve agency performance and to eliminate waste, fraud and abuse. However, the administration strongly objects to some of the provisions included in this legislation that are likely unconstitutional.

The end-run contained in this legislation around article II of the Constitution, which our Founding Fathers provided to the executive branch to ensure that all of our Nation laws are faithfully executed, guarantees that this

bill will not only be vetoed by the President but would also be overturned by the Supreme Court if this bill were ever passed by the House and the Senate.

Also, by requiring Inspectors General to circumvent the long-standing and constitutionally based budgeting process that currently exists, without even including the House Budget Committee in the decisionmaking process, is a thinly veiled political stunt intended to draw a veto threat from the President and to create a false disagreement over this bill when it is clear that both Republicans and Democrats support reducing waste, fraud and abuse at each of our Federal agencies.

Mr. Speaker, I insert in the RECORD a copy of the administration's statement of policy regarding their position on this legislation.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

Washington, DC, October 1, 2007.

STATEMENT OF ADMINISTRATION POLICY

H.R. 928—TO AMEND THE INSPECTOR GENERAL ACT OF 1978 TO ENHANCE THE INDEPENDENCE OF THE INSPECTORS GENERAL, TO CREATE A COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY, AND FOR OTHER PURPOSES

The Administration appreciates the work of inspectors general (IGs) and their mission to improve agency performance and eliminate waste, fraud, and abuse. IGs play an important role in Executive Branch efforts to measure and achieve success in program performance. Each agency's Office of Inspector General (OIG) fills a vital role in these efforts by reviewing operations and making recommendations for improvements and corrective actions. By providing objective information to promote strong management, decision-making, and accountability, OIGs contribute to the success of each agency and the Federal government as a whole. The Administration strongly supports efforts to ensure that IGs have: the skills and training they need to perform their duties; fair pay; findings and recommendations that are transparent to the public; and access to necessary legal advice.

H.R. 928, the "Improving Government Accountability Act," would further some of these objectives. However, the Administration strongly objects to provisions that are inconsistent with these goals, and with broader policy considerations and constitutional requirements. If H.R. 928 were presented to the President in its current form, the President's senior advisors would recommend that he veto the bill.

H.R. 928 would permit the President to remove IGs only for cause. The Administration strongly objects to this intrusion on the President's removal authority and his ability to hold IGs accountable for their performance. The responsibility to "take Care that the Laws be faithfully executed"—which Article II vests solely in the President—includes the responsibility to supervise and guide how IGs and other executive branch officers investigate and respond to allegations of wrongdoing within the executive branch. IGs already have the independence necessary to perform their investigative functions with respect to individual agencies, because agency heads generally may not supervise IGs' conduct of investigations. H.R. 928's attempt to extend this current independence to include independence from supervision by the President does not en-

hance the function of IGs and raises grave constitutional concerns.

The Administration also strongly opposes provisions that would authorize IGs to circumvent the President's longstanding, and constitutionally based, control over executive branch budget requests by allowing IGs to submit their budget requests directly to Congress and by requiring the President to include each IG's request as a separate line item in the President's annual budget request. Since its inception, the current executive branch coordination process has worked well for both the President and the Congress. The process is deliberative and results in an agency and government-wide coordinated submission that accounts for long-range planning and priorities.

IGs have been a part of this process since their creation in 1978, and there is no evidence that the current process results in budgets that fail to enable appropriate IG performance.

The Administration also objects to provisions that would establish within the Executive Branch a freestanding, independent Council of the Inspectors General on Integrity and Efficiency. A similar council already exists under Executive Orders. Statutory codification of such a council would impede the President's ability to react swiftly and effectively to problems with IGs or with the Council itself. Furthermore, the council provisions in H.R. 928 raise constitutional questions because they restrict the President's authority to nominate individuals to serve on the Council and contain ambiguous definitions of offices and their respective roles and responsibilities. Finally, it is critical that disclosure protections regarding the Witness Security Program apply to the Department of Justice's Inspector General's internal investigative procedures and release of information, since the release of specific information related to the program could endanger the program's means and methods, personnel, and the continued safety of the program's protected witnesses.

Mr. Speaker, I oppose the majority's unwillingness to work with the administration in a bipartisan way to create a bill that all Members of this body can support and that would also pass constitutional muster. I also oppose the Democrat leadership's willingness to once again subvert regular order for political purposes and to prevent my colleague from The Woodlands in Texas, Congressman KEVIN BRADY, from having an opportunity to offer his amendment to provide additional review of the work product of our Federal agencies.

Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, I would inquire of the gentleman from Texas if he has any remaining speakers.

Mr. SESSIONS. I appreciate the gentlewoman engaging me at this time. Mr. Speaker, I would inform my colleague that I do not have any additional speakers.

Ms. SUTTON. Okay. I'm the last speaker for my side, so I will reserve my time until the gentleman has closed for his side and yielded back his time.

Mr. SESSIONS. Mr. Speaker, I thank the gentlewoman from Ohio and enjoy working with her.

Mr. Speaker, I will be asking Members to oppose the previous question so

that I may amend the rule to allow for consideration of H. Res. 479, a resolution that I like to call the Earmark Accountability Rule.

During last year's campaign and again at the beginning of this Congress, promises were made to the American people and to the new minority about the Democrats' supposedly new and improved earmark rules. As the year has worn on, however, I have noticed that while the Democrats' rules changes may sound good as a cynical sound bite for the evening news, they haven't actually accomplished much since the majority has repeatedly turned the other way when it comes to their own actual enforcement.

We continue to see nondisclosed earmarks appearing in all sorts of bills, and even the House Parliamentarian has determined that the hastily drafted and passed Democrat earmark rule "does not comprehensively apply to all legislative propositions at all stages of the legislative process."

I will insert this letter from the House Parliamentarian, JOHN SULLIVAN, to the Rules Committee chairman, LOUISE SLAUGHTER, into the RECORD at this point.

HOUSE OF REPRESENTATIVES,
OFFICE OF THE PARLIAMENTARIAN,

Washington, DC, October 2, 2007.

Hon. LOUISE MCINTOSH SLAUGHTER,
Committee on Rules, House of Representatives,
Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER: Thank you for your letter of October 2, 2007, asking for an elucidation of our advice on how best to word a special rule. As you also know, we have advised the committee that language waiving all points of order "except those arising under clause 9 of rule XXI" should not be adopted as boilerplate for all special rules, notwithstanding that the committee may be resolved not to recommend that the House waive the earmark-disclosure requirements of clause 9.

In rule XXI, clause 9(a) establishes a point of order against undisclosed earmarks in certain measures and clause 9(b) establishes a point of order against a special rule that waives the application of clause 9(a). As illuminated in the rulings of September 25 and 27, 2007, clause 9(a) of rule XXI does not comprehensively apply to all legislative propositions at all stages of the legislative process.

Clause 9(a) addresses the disclosure of earmarks in a bill or joint resolution, in a conference report on a bill or joint resolution, or in a so-called "manager's amendment" to a bill or joint resolution. Other forms of amendment—whether they be floor amendments during initial House consideration or later amendments between the Houses—are not covered. (One might surmise that those who developed the rule felt that proposals to amend are naturally subject to immediate peer review, though they harbored reservations about the so-called "manager's amendment," i.e., one offered at the outset of consideration for amendment by a member of a committee of initial referral under the terms of a special rule.)

The question of order on September 25 involved a special rule providing for a motion to dispose of an amendment between the Houses. As such, clause 9(a) was inapposite. It had no application to the motion in the first instance. Accordingly, Speaker pro

tempore Holden held that the special rule had no tendency to waive any application of clause 9(a). The question of order on September 27 involved a special rule providing (in pertinent part) that an amendment be considered as adopted. Speaker pro tempore Blumenauer employed the same rationale to hold that, because clause 9(a) had no application to the amendment in the first instance, the special rule had no tendency to waive any application of clause 9(a).

The same would be true in the more common case of a committee amendment in the nature of a substitute made in order as original text for the purpose of further amendment. Clause 9(a) of rule XXI is inapposite to such an amendment.

In none of these scenarios would a ruling by a presiding officer hold that earmarks are or are not included in a particular measure or proposition. Under clause 9(b) of rule XXI, the threshold question for the Chair—the cognizability of a point of order—turns on whether the earmark-disclosure requirements of clause 9(a) of rule XXI apply to the object of the special rule in the first place. Embedded in the question whether a special rule waives the application of clause 9(a) is the question whether clause 9(a) has any application.

In these cases to which clause 9 of rule XXI has no application in the first instance, stating a waiver of all points of order except those arising under that rule—when none can so arise—would be, at best, gratuitous. Its negative implication would be that such a point of order might lie. That would be as confusing as a waiver of all points of order against provisions of an authorization bill except those that can only arise in the case of a general appropriation bill (e.g., clause 2 of rule XXI). Both in this area and as a general principle, we try hard not to use language that yields a misleading implication.

I appreciate your consideration and trust that this response is to be shared among all members of the committee. Our office will share it with all inquiring parties.

Sincerely,

JOHN V. SULLIVAN,
Parliamentarian.

Mr. Speaker, even the nonpartisan House Parliamentarian acknowledges what Republicans have been saying since January: that the so-called Democrat earmark rule has more holes than a bowl of Cheerios and that earmark abuse by the broken promise Democrat majority continues to run rampant.

This rules change would simply allow the House to debate openly and honestly about the validity and accuracy of earmarks contained in all bills, not just appropriations bills.

If we defeat the previous question, we then can address that problem today and restore this Congress' nonexistent credibility when it comes to the enforcement of its own rules.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material appear in the CONGRESSIONAL RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, in 1978, the House committee that was then known as Government Operations envi-

sioned Inspectors General as watchdogs to bring accountability and oversight to our agencies. Now, almost 30 years later, we act to update and improve this valuable program.

This important bill will not only bring enhanced continuity and accountability to the Inspectors General; it will strengthen their most important quality: their independence from the Departments and agencies that they inspect.

The American people should have the utmost faith that their precious taxpayer dollars are being used in the most efficient manner. This bill ensures the accountability that our citizens demand and which they deserve.

I urge a "yes" vote on the previous question and on the rule.

The material referred to previously by Mr. SESSIONS is as follows:

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote; the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled

"Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

AMENDMENT TO H. RES. 701 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

Ms. SUTTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 701 will be followed by 5-minute votes on adoption of H. Res. 701, if ordered; ordering the previous question on H. Res. 702, by the yeas and nays; adoption of H. Res. 702, if ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 192, not voting 24, as follows:

[Roll No. 932]

YEAS—216

Abercrombie	Blumenauer	Chandler
Ackerman	Boren	Clarke
Allen	Boswell	Clay
Altmire	Boucher	Cleaver
Andrews	Boyd (FL)	Clyburn
Arcuri	Boyda (KS)	Cohen
Baca	Brady (PA)	Conyers
Baird	Braley (IA)	Cooper
Baldwin	Brown, Corrine	Costa
Bean	Butterfield	Costello
Becerra	Capps	Courtney
Berkley	Capuano	Cramer
Berman	Cardoza	Crowley
Berry	Carnahan	Cuellar
Bishop (GA)	Carney	Cummings
Bishop (NY)	Castor	Davis (AL)

Davis (CA)	Kucinich	Ross	McHugh	Regula	Smith (TX)	Doyle	Levin	Ruppersberger
Davis (IL)	Lampson	Rothman	McKeon	Rehberg	Souder	Edwards	Lewis (GA)	Rush
Davis, Lincoln	Langevin	Royalb-Allard	Mica	Reichert	Stearns	Ellsworth	Lipinski	Ryan (OH)
DeFazio	Lantos	Ruppersberger	Miller (FL)	Renzi	Sullivan	Emanuel	Loebsock	Salazar
DeGette	Larsen (WA)	Rush	Miller (MI)	Reynolds	Terry	Engel	Lofgren, Zoe	Sanchez, Linda
DeLauro	Larson (CT)	Ryan (OH)	Miller, Gary	Rogers (AL)	Thornberry	Eshoo	Lowe	T.
Dicks	Levin	Salazar	Moran (KS)	Rogers (KY)	Tiahrt	Etheridge	Lynch	Sanchez, Loretta
Doggett	Lewis (GA)	Sánchez, Linda	Murphy, Tim	Rogers (MI)	Tiberi	Farr	Mahoney (FL)	Sarbanes
Donnelly	Lipinski	T.	Musgrave	Rohrabacher	Turner	Fattah	Markey	Schakowsky
Doyle	Loebsock	Sanchez, Loretta	Myrick	Ros-Lehtinen	Upton	Flner	Marshall	Schiff
Edwards	Lofgren, Zoe	Sarbanes	Neugebauer	Roskam	Walberg	Giffords	Matheson	Schwartz
Ellsworth	Lowe	Schakowsky	Nunes	Royce	Walden (OR)	Gillibrand	Matsui	Scott (GA)
Emanuel	Mahoney (FL)	Schiff	Pearce	Ryan (WI)	Walsh (NY)	Gonzalez	McCarthy (NY)	Scott (VA)
Engel	Markey	Schwartz	Pence	Sali	Wamp	Gordon	McCollum (MN)	Serrano
Eshoo	Marshall	Scott (GA)	Peterson (PA)	Saxton	Weldon (FL)	Green, Al	McDermott	Sestak
Etheridge	Matheson	Scott (VA)	Petri	Schmidt	Weller	Green, Gene	McGovern	Shea-Porter
Farr	Matsui	Serrano	Pickering	Sensenbrenner	Grijalva	Grijalva	McIntyre	Sherman
Fattah	McCarthy (NY)	Sestak	Platts	Sessions	Gutierrez	Gutierrez	McNerney	Shuler
Flner	McCollum (MN)	Shea-Porter	Poe	Shadegg	Hall (NY)	Hall (NY)	McNulty	Sires
Giffords	McDermott	Sherman	Porter	Shays	Hare	Hare	Meek (FL)	Skelton
Gillibrand	McGovern	Shuler	Price (GA)	Shimkus	Harman	Harman	Meeks (NY)	Slaughter
Gonzalez	McIntyre	Sires	Pryce (OH)	Shuster	Hastings (FL)	Hastings (FL)	Melancon	Smith (WA)
Gordon	McNerney	Skelton	Putnam	Simpson	Herseth Sandlin	Herseth Sandlin	Michaud	Snyder
Green, Al	McNulty	Slaughter	Radanovich	Smith (NE)	Hill	Hill	Miller (NC)	Solis
Green, Gene	Meek (FL)	Smith (WA)	Ramstad	Smith (NJ)	Hinchey	Hinchey	Miller, George	Spratt
Grijalva	Meeks (NY)	Snyder			Hinojosa	Hinojosa	Mitchell	Stark
Gutierrez	Melancon	Solis			Hirono	Hirono	Mollohan	Stupak
Hall (NY)	Michaud	Spratt	Barrett (SC)	Hastert	McMorris	Hodes	Moore (KS)	Sutton
Hare	Miller (NC)	Stark	Bishop (UT)	Higgins	Rodgers	Holden	Moore (WI)	Tanner
Harman	Miller, George	Stupak	Carson	Jefferson	Paul	Holt	Moran (VA)	Tauscher
Hastings (FL)	Mitchell	Stupak	Cubin	Jindal	Perlmutter	Honda	Murphy (CT)	Taylor
Herseth Sandlin	Mollohan	Tanner	Davis, Jo Ann	Jones (OH)	Pitts	Hooley	Murphy, Patrick	Thompson (CA)
Hill	Moore (KS)	Tauscher	Delahunt	Lee	Space	Hoyer	Murtha	Thompson (MS)
Hinchey	Moore (WI)	Taylor	Dingell	Lynch	Tancred	Inlee	Nadler	Tierney
Hinojosa	Moran (VA)	Thompson (CA)	Ellison	Maloney (NY)	Waters	Israel	Napolitano	Towns
Hirono	Murphy (CT)	Thompson (MS)	Frank (MA)			Jackson (IL)	Neal (MA)	Udall (CO)
Hodes	Murphy, Patrick	Tierney				Jackson-Lee	Oberstar	Udall (NM)
Holden	Murtha	Towns				(TX)	Obe	Van Hollen
Holt	Nadler	Udall (CO)				Jefferson	Olver	Velázquez
Honda	Napolitano	Udall (NM)				Johnson (GA)	Ortiz	Visclosky
Hooley	Neal (MA)	Van Hollen				Johnson, E. B.	Pallone	Walz (MN)
Hoyer	Oberstar	Velázquez				Kagen	Pascrell	Wasserman
Inlee	Obe	Visclosky				Kanjorski	Pastor	Schultz
Israel	Olver	Walz (MN)				Kaptur	Payne	Watson
Jackson (IL)	Ortiz	Wasserman				Kennedy	Peterson (MN)	Watt
Jackson-Lee	Pallone	Schultz				Kildee	Pomeroy	Waxman
(TX)	Pascrell	Watson				Kilpatrick	Price (NC)	Weiner
Johnson (GA)	Pastor	Watt				Kind	Rahall	Welch (VT)
Johnson, E. B.	Payne	Waxman				Klein (FL)	Rangel	Wexler
Kagen	Peterson (MN)	Weiner				Kucinich	Reyes	Wilson (OH)
Kanjorski	Pomeroy	Welch (VT)				Lampson	Richardson	Woolsey
Kaptur	Price (NC)	Wexler				Langevin	Rodriguez	Wu
Kennedy	Rahall	Wilson (OH)				Lantos	Ross	Wynn
Kildee	Rangel	Woolsey				Larsen (WA)	Rothman	Yarmuth
Kilpatrick	Reyes	Wu				Larson (CT)	Roybal-Allard	
Kind	Richardson	Wynn						
Klein (FL)	Rodriguez	Yarmuth						

NAYS—192

Aderholt	Crenshaw	Heller
Akin	Culberson	Hensarling
Alexander	Davis (KY)	Herger
Bachmann	Davis, David	Hobson
Bachus	Davis, Tom	Hoekstra
Baker	Deal (GA)	Hulshof
Barrow	Dent	Hunter
Bartlett (MD)	Diaz-Balart, L.	Inglis (SC)
Barton (TX)	Diaz-Balart, M.	Issa
Biggart	Doolittle	Johnson (IL)
Billray	Drake	Johnson, Sam
Bilirakis	Dreier	Jones (NC)
Blackburn	Duncan	Jordan
Blunt	Ehlers	Keller
Boehner	Emerson	King (IA)
Bonner	English (PA)	King (NY)
Bono	Everett	Kingston
Boozman	Fallin	Kirk
Boustany	Feeney	Kline (MN)
Brady (TX)	Ferguson	Knollenberg
Broun (GA)	Flake	Kuhl (NY)
Brown (SC)	Forbes	LaHood
Brown-Waite,	Fortenberry	Lamborn
Ginny	Fossella	Latham
Buchanan	Fox	LaTourette
Burgess	Franks (AZ)	Lewis (CA)
Burton (IN)	Frelinghuysen	Lewis (KY)
Buyer	Gallely	Linder
Calvert	Garrett (NJ)	LoBiondo
Camp (MI)	Gerlach	Lucas
Campbell (CA)	Gilchrest	Lungren, Daniel
Cannon	Gingrey	E.
Cantor	Gohmert	Mack
Capito	Goode	Manzullo
Carter	Goodlatte	Marchant
Castle	Granger	McCarthy (CA)
Chabot	Graves	McCaul (TX)
Coble	Hall (TX)	McCotter
Cole (OK)	Hastings (WA)	McCrery
Conaway	Hayes	McHenry

NOT VOTING—24

Barrett (SC)	Hastert	McMorris
Bishop (UT)	Higgins	Rodgers
Carson	Jefferson	Paul
Cubin	Jindal	Perlmutter
Davis, Jo Ann	Jones (OH)	Pitts
Delahunt	Lee	Space
Dingell	Lynch	Tancred
Ellison	Maloney (NY)	Waters
Frank (MA)		

□ 1202

Messrs. RYAN of Wisconsin, CASTLE, and HALL of Texas changed their vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2740, MEJA EXPANSION AND ENFORCEMENT ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 702, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 218, nays 192, not voting 22, as follows:

[Roll No. 933]

YEAS—218

Abercrombie	Boucher	Conyers
Ackerman	Boyd (FL)	Cooper
Allen	Boyd (KS)	Costa
Altmire	Brady (PA)	Costello
Andrews	Braley (IA)	Courtney
Arcuri	Brown, Corrine	Cramer
Baca	Butterfield	Crowley
Baird	Capps	Cuellar
Baldwin	Capuano	Cummings
Bean	Cardoza	Davis (AL)
Becerra	Carnahan	Davis (CA)
Berkley	Carney	Davis (IL)
Berman	Castor	Davis, Lincoln
Berry	Chandler	DeFazio
Bishop (GA)	Clarke	DeGette
Bishop (NY)	Clay	DeLauro
Blumenauer	Cleaver	Dicks
Boren	Clyburn	Doggett
Boswell	Cohen	Donnelly

NAYS—192

Aderholt	Culberson	Hobson
Akin	Davis (KY)	Hoekstra
Alexander	Davis, David	Hulshof
Bachmann	Davis, Tom	Hunter
Bachus	Deal (GA)	Inglis (SC)
Baker	Dent	Issa
Barrow	Diaz-Balart, L.	Johnson (IL)
Bartlett (MD)	Diaz-Balart, M.	Johnson, Sam
Barton (TX)	Doolittle	Jones (NC)
Biggart	Drake	Jordan
Billray	Dreier	Keller
Bilirakis	Duncan	King (IA)
Blackburn	Ehlers	King (NY)
Blunt	Emerson	Kingston
Boehner	English (PA)	Kirk
Bonner	Everett	Kline (MN)
Bono	Fallin	Knollenberg
Boozman	Feeney	Kuhl (NY)
Boustany	Ferguson	LaHood
Brady (TX)	Flake	Lamborn
Broun (GA)	Forbes	Latham
Brown (SC)	Fortenberry	LaTourette
Brown-Waite,	Fossella	Lewis (CA)
Ginny	Fox	Lewis (KY)
Buchanan	Franks (AZ)	Linder
Burgess	Frelinghuysen	LoBiondo
Burton (IN)	Gallely	Lucas
Buyer	Garrett (NJ)	Lungren, Daniel
Calvert	Gerlach	E.
Camp (MI)	Gilchrest	Mack
Campbell (CA)	Gingrey	Manzullo
Cannon	Gohmert	McCarthy (CA)
Cantor	Goode	McCaul (TX)
Capito	Goodlatte	McCotter
Carter	Granger	McCrery
Castle	Graves	McHenry
Chabot	Hall (TX)	McHugh
Coble	Hastings (WA)	McKeon
Cole (OK)	Hayes	Mica
Conaway	Heller	Miller (FL)
Crenshaw	Hensarling	Miller (MI)
	Herger	Miller, Gary